Effective 5/12/2015
Sunsets 1/1/2017
20A-4-108 Election Day Voter Registration Pilot Project.
(1) There is created, beginning on June 1, 2014, and ending on January 1, 2017, an election day voter registration pilot project, as described in this section.
(2) A county may participate in the pilot project if the county clerk submits to the lieutenant governor a written application to participate in the pilot project that contains:
  (a) the name of the county;
  (b) a request that the county be permitted to participate in the pilot project;
  (c) an estimate of the extent to which election day voter registration may increase voter participation; and
  (d) any other reasons that the county desires to participate in the project.
(3) A municipality may participate in the pilot project for a municipal election if the municipal clerk submits to the lieutenant governor a written application to participate in the pilot project that contains:
  (a) the name of the municipality;
  (b) a request that the municipality be permitted to participate in the pilot project;
  (c) an estimate of the extent to which election day voter registration may increase voter participation; and
  (d) any other reasons that the municipality desires to participate in the project.
(4) Within 10 business days after the day on which the lieutenant governor receives an application described in Subsection (2) or (3), the lieutenant governor shall approve the application if:
  (a) the application complies with the requirements described in Subsection (2) or (3), as applicable; and
  (b) the lieutenant governor determines, based on the information contained in the application, that implementing the pilot project in the county or municipality:
    (i) will yield valuable information to determine whether election day voter registration should be implemented on a permanent, statewide basis; and
    (ii) will not adversely affect the rights of voters or candidates.
(5) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-201(3)(b)(ii), a registration form is submitted to the county clerk on the date of the election or during the six calendar days before an election, the county clerk shall, unless the individual named in the form is preregistering to vote:
  (a) if the person desires to vote in the pending election, inform the person that the person must, during early voting or on election day, register to vote by casting a provisional ballot in accordance with Subsection (10); or
  (b) if the person does not desire to vote in the pending election:
    (i) accept a registration form from the person if, on the date of the election, the person will be legally qualified and entitled to vote in a voting precinct in the county or municipality; and
    (ii) inform the person that the person will be registered to vote but may not vote in the pending election because the person registered too late and chose not to register and vote as described in Subsection (5)(a).
(6) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-202(3)(a), the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, and is not otherwise marked by the post office as received by the post office before the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:

(a) unless the applicant registers during early voting or on election day by casting a provisional ballot in accordance with Subsection (10), register the applicant for the next election; and

(b) if possible, promptly phone, mail, or email a notice to the applicant before the election, informing the applicant that:

(i) the applicant's registration will not be effective until after the election; and

(ii) the applicant may register to vote during early voting or on election day by casting a provisional ballot in accordance with Subsection (10).

(7) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-204(5)(a), the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:

(a) unless the applicant registers to vote during early voting or on election day by casting a provisional ballot in accordance with Subsection (10), register the applicant after the next election; and

(b) if possible, promptly phone, mail, or email a notice to the applicant before the election, informing the applicant that:

(i) the applicant's registration will not be effective until after the election; and

(ii) the applicant may register to vote during early voting or on election day by casting a provisional ballot in accordance with Subsection (10).

(8) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-205(7)(a), the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall, unless the individual named in the form is preregistering to vote:

(a) unless the applicant registers to vote during early voting or on election day by casting a provisional ballot in accordance with Subsection (10), register the applicant after the next election; and

(b) if possible, promptly phone, mail, or email a notice to the applicant before the election, informing the applicant that:

(i) the applicant's registration will not be effective until after the election; and

(ii) the applicant may register to vote during early voting or on election day by casting a provisional ballot in accordance with Subsection (10).

(9) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-2-206(8)(c), an individual applies to register to vote under this section during the six calendar days before an election, the county clerk shall:

(a) if the individual desires to vote in the pending election, inform the individual that the individual must, during early voting or on election day, register to vote by casting a provisional ballot in accordance with Subsection (10); or

(b) if the individual does not desire to vote in the pending election:

(i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and

(ii) inform the individual that the individual is registered to vote but may not vote in the pending election because the individual registered too late and chose not to register and vote as described in Subsection (9)(a).

(10) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project:

(a) the election officer shall take the action described in Subsection (10)(b) in relation to a provisional ballot if the election officer determines that:

      (i) the person who voted the ballot is not registered to vote, but is otherwise legally entitled to vote the ballot;

      (ii) the ballot that the person voted is identical to the ballot for the precinct in which the person resides;

      (iii) the information on the ballot is complete; and

      (iv) the person provided valid voter identification and proof of residence to the poll worker;

   (b) if a provisional ballot and the person who voted the provisional ballot comply with the requirements described in Subsection (10)(a), the election officer shall:

      (i) consider the provisional ballot a voter registration form;

      (ii) place the ballot with the absentee ballots, to be counted with those ballots at the canvass; and

      (iii) as soon as reasonably possible, register the person to vote; and

   (c) except as provided in Subsection (11), the election officer shall retain a provisional ballot envelope, unopened, for the period specified in Section 20A-4-202, if the election officer determines that the person who voted the ballot:

      (i)

         (A) is not registered to vote in this state; and

         (B) is not eligible for registration under Subsection (10); or

      (ii) is not legally entitled to vote the ballot that the person voted.

(11) Subsection (10)(c) does not apply if a court orders the election officer to produce or count the provisional ballot.

(12) For a county or municipality that is approved by the lieutenant governor to participate in the pilot project, if, under Subsection 20A-4-107(4), the election officer determines that the person is not registered to vote in this state, that the person is otherwise legally entitled to vote, that the information on the provisional ballot envelope is complete, and that the provisional ballot and the person who voted the provisional ballot do not comply with the requirements described in Subsection (10)(a), the election officer shall:

   (a) consider the provisional ballot envelope a voter registration form for the person's county of residence; and

   (b)

      (i) register the person if the voter's county of residence is within the county; or

      (ii) forward the voter registration form to the election officer of the person's county of residence, which election officer shall register the person.

(13)

   (a) The county clerk of a county that is approved to participate in the pilot project, and the municipal clerk of a municipality that is approved to participate in the pilot project, shall provide training for the poll workers of the county or municipality on administering the pilot program.

   (b) The lieutenant governor shall, for a county or municipality that is approved to participate in the pilot project, provide information relating to the pilot project in accordance with the provisions of Subsection 67-1a-2(2)(a)(iv).

(14) The lieutenant governor and each county and municipality that is approved by the lieutenant governor to participate in the pilot project shall:

   (a) report to the Government Operations Interim Committee, on or before October 31 of each year that the pilot project is in effect, regarding:

      (i) the implementation of the pilot project;

      (ii) the number of ballots cast by voters who registered on election day;

      (iii) any difficulties resulting from the pilot project; and

      (iv) whether, in the opinion of the lieutenant governor, the county, or the municipality, the state would benefit from implementing election day voter registration permanently and on a statewide basis; and

    (b) on or before December 31, 2016, report to the Legislative Management Committee regarding the matters described in Subsection (14)(a).

(15) During the 2016 interim, the Government Operations Interim Committee shall study and make a recommendation to the Legislature regarding whether to implement statewide election day voter registration on a permanent, statewide basis.